

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	Brines et al.	Confirmation No.:	7619
Serial No.:	10/520,140	Art Unit:	1647
International Filing Date:	July 3, 2003	Examiner:	Woodward, Cherie Michelle
For:	TISSUE-PROTECTIVE CYTOKINES FOR THE PROTECTION, RESTORATION AND ENHANCEMENT OF RESPONSIVE CELLS, TISSUES AND ORGANS	Attorney Docket No.:	10165-037-999 (formerly KW00-2B02-US)

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Kenneth S. Warren Institute, Inc. is the assignee of the entire right, title and interest in and to the above-identified subject application (the "'140 application") by virtue of an assignment that was recorded on September 28, 2007 at reel 019919, frame 0773.

**Terminal Disclaimer Over U.S. Patent No. 6,531,121**

The undersigned, on behalf of the Kenneth S. Warren Institute, Inc., hereby disclaims, except as provided below, the terminal part of any patent granted on the '140 application which would extend beyond the expiration date of U.S. Patent No. 6,531,121, issued March 11, 2003, which is based on U.S. patent application Serial No. 09/753,132, filed December 29, 2000, the entire right, title and interest in which is also assigned to The Kenneth S. Warren Institute, Inc. by virtue of the assignment recorded as of April 16, 2001 at reel 011733 frame 0581. The undersigned hereby agrees that any patent so granted on the '140 application, or any patent so granted on an application based on the '140 application and subject to a reexamination proceeding, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,531,121.

The undersigned further agrees that this agreement is to run with any patent granted on the '140 application and is to be binding upon the grantee, its successors, and assigns.

The undersigned does not disclaim any terminal part of any patent granted on the '140 application prior to the expiration date of the full statutory term of U.S. Patent No. 6,531,121 in the event that U.S. Patent No. 6,531,121 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

**Terminal Disclaimer Over Pending Application Serial No. 10/188,905**

The undersigned, on behalf of the Kenneth S. Warren Institute, Inc., hereby disclaims, except as provided below, the terminal part of any patent granted on the '140 application which would extend beyond the expiration date of any patent granted on pending application Serial No. 10/188,905, filed July 3, 2002, the entire right, title and interest in which is also assigned to The Kenneth S. Warren Institute, Inc. by virtue of the assignment recorded as of August 6, 2003 at reel 014362, frame 0014. The undersigned hereby agrees that any patent so granted on the '140 application, or any patent so granted on an application based on the '140 application and subject to a reexamination proceeding, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on pending application Serial No. 10/188,905.

The undersigned further agrees that this agreement is to run with any patent granted on the '140 application and is to be binding upon the grantee, its successors, and assigns.

The undersigned does not disclaim any terminal part of any patent granted on the '140 application prior to the expiration date of the full statutory term of any patent granted on pending application Serial No. 10/188,905 in the event that the patent granted on pending application Serial No. 10/188,905 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

**Terminal Disclaimer Over Pending Application Serial No. 10/185,841**

The undersigned, on behalf of the Kenneth S. Warren Institute, Inc., hereby disclaims, except as provided below, the terminal part of any patent granted on the '140 application which would extend beyond the expiration date of any patent granted on pending application Serial No. 10/185,841, filed June 26, 2002, the entire right, title and interest in which is also assigned to The Kenneth S. Warren Institute, Inc. by virtue of the assignment recorded as of May 14, 2003 at reel 014067, frame 0516. The undersigned hereby agrees that any patent so granted on the '140 application, or any patent so granted on an application based on the '140 application and subject to a reexamination proceeding, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on pending application 10/185,841.

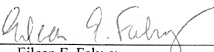
The undersigned further agrees that this agreement is to run with any patent granted on the '140 application and is to be binding upon the grantee, its successors, and assigns.

The undersigned does not disclaim any terminal part of any patent granted on the '140 application prior to the expiration date of the full statutory term of any patent granted on pending application Serial No. 10/185,841 in the event that the patent granted on pending application Serial No. 10/185,841 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

The undersigned has reviewed the assignment for the '140 application and, to the best of the undersigned's knowledge and belief, title is in the assignee seeking to take action in this matter. The undersigned is empowered to act on behalf of The Kenneth S. Warren Institute, Inc.

The undersigned hereby declares that all statements made herein of the undersigned's own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 18 day of December, 2009.

By:   
Name: Eileen E. Falvey  
JONES DAY  
222 East 41st Street  
New York, New York 10017-6702  
(212) 326-3939

Position: Attorney or agent of record, Reg. No. 46,097